

UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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JAMES W. FORSYTHE, M.D., H.M.D.,

Case No. 3:24-cv-00524-MMD-CLB

Plaintiffs,

ORDER

v.

RENOWN REGIONAL MEDICAL  
CENTER, *et al.*,

Defendants.

This case was recently filed, and even more recently assigned to me. (ECF Nos. 1, 4.) Before the Court is Plaintiff's motion seeking my recusal. (ECF No. 5 ("Motion").) As further explained below, I will grant the motion and recuse from this case because I agree with Plaintiff that my impartiality could be reasonably questioned were I to preside over it.

I begin my review of Plaintiff's Motion from the "general proposition" that I must participate in cases assigned to me. *United States v. Holland*, 519 F.3d 909, 912 (9th Cir. 2008). But I should recuse if my "impartiality might reasonably be questioned." *Id.*; see also 28 U.S.C. § 455(a). Section 455(a) requires an objective inquiry. See *Holland*, 519 F.3d at 912-14. However, this objective standard "must not be so broadly construed that it becomes, in effect, presumptive, so that recusal is mandated upon the merest unsubstantiated suggestion of personal bias or prejudice." *Id.* at 913 (citation omitted). As to Section 455(b)(1), I must also disqualify myself where I have "a personal bias or prejudice concerning a party[.]" 28 U.S.C. § 455(b)(1). The parties may not waive any basis for disqualification under subsection (b) but, "[w]here the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification." 28 U.S.C. § 455(e).

1 While I have only a vague recollection about the lawsuit that is referenced in the  
2 Motion, given the nature of that lawsuit and the conduct surrounding it, I find that my  
3 impartiality might reasonably be questioned were I to preside over this case.

4 It is therefore ordered that Plaintiff's recusal motion (ECF No. 5) is granted.

5 The Clerk of Court is directed to randomly reassign this case to another district  
6 judge.

7 DATED THIS 3<sup>rd</sup> Day of December 2024.

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MIRANDA M. DU  
UNITED STATES DISTRICT JUDGE  
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